

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

**JOSEPHINE OBUMNEKE UZOWURU**  
**6474 Cattleman Drive**  
**Corona, CA 92880**

**Registered Nurse License No. 593587**

Respondent

Case No. 2012-671

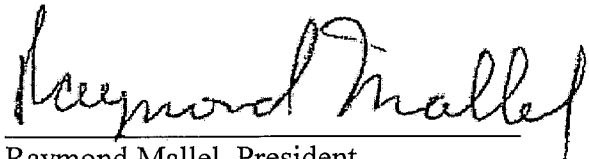
OAH No. 2012050728

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **March 8, 2013.**

IT IS SO ORDERED **February 7, 2013.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 **JOSEPHINE OBUMNEKE UZOWURU**  
13 **6474 Cattleman Drive**  
14 **Corona, CA 92880**

15 **Registered Nurse License No. 593587**

16 Respondent.

Case No. 2012-671

OAH No. 2012050728

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

**[Bus. & Prof. Code § 495]**

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18  
19 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. LOUISE R. BAILEY, M.Ed., RN (Complainant) is the Executive Officer of the  
23 Board of Registered Nursing. She brought this action solely in her official capacity and is  
24 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
25 Desiree I. Kellogg, Deputy Attorney General.

26 2. Respondent Josephine Obumneke Uzowuru (Respondent) is represented in this  
27 proceeding by attorney Chad Biggins, whose address is: 633 W 5th Street, 28th Floor  
28 Los Angeles, CA 90071.

3. On or about January 17, 2002, the Board of Registered Nursing issued Registered Nurse License No. 593587 to Josephine Obumneke Uzowuru (Respondent). The Registered Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. 2012-671 and will expire on February 28, 2013, unless renewed.

## JURISDICTION

4. Accusation No. 2012-671 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 30, 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2012-671 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 2012-671. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-671 with the exception of the following sentences on page 3, lines 13-16: "After Respondent's husband wrestled the microphone from A.D. and began hitting her, Respondent joined him and began hitting A.D. as well. A.D. was injured and her clothes were torn as a result

1 of Respondent's and her husband's actions," the phrase on page 3, line 17: "Following the  
2 altercation" and the sentence on page 3, lines 21-22, "One day later on December 10, 2010,  
3 Respondent violated the Temporary Restraining Order by coming within approximately 10 yards  
4 of A.D. at another wake."

5 9. Respondent agrees that her Registered Nurse License is subject to discipline and she  
6 agrees to be bound by the Board of Registered Nursing (Board)'s terms as set forth in the  
7 Disciplinary Order below.

8 CONTINGENCY

9 10. This stipulation shall be subject to approval by the Board of Registered Nursing.  
10 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
11 Registered Nursing may communicate directly with the Board regarding this stipulation and  
12 settlement, without notice to or participation by Respondent or her counsel. By signing the  
13 stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek  
14 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
15 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
16 Order for Public Repeval shall be of no force or effect, except for this paragraph, it shall be  
17 inadmissible in any legal action between the parties, and the Board shall not be disqualified from  
18 further action by having considered this matter.

19 11. The parties understand and agree that facsimile copies of this Stipulated Settlement  
20 and Disciplinary Order for Public Repeval, including facsimile signatures thereto, shall have the  
21 same force and effect as the originals.

22 12. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by  
23 the parties to be an integrated writing representing the complete, final, and exclusive embodiment  
24 of their agreement. It supersedes any and all prior or contemporaneous agreements,  
25 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated  
26 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,  
27 supplemented, or otherwise changed except by a writing executed by an authorized representative  
28 of each of the parties.

1 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
2 the Board may, without further notice or formal proceeding, issue and enter the following  
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

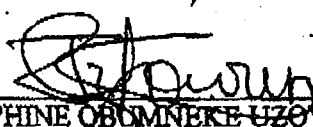
5 IT IS HEREBY ORDERED that Registered Nurse License No. 593587 issued to  
6 Respondent Josephine Obumneke Uzowuru (Respondent) shall, by way of letter from the Board's  
7 Executive Officer, be publicly reprovved. The letter shall be in the same form as the letter attached  
8 as Exhibit B to this stipulation.

9 IT IS FURTHER ORDERED that Respondent shall pay \$2,428.00 to the Board for its costs  
10 associated with the investigation and enforcement of this matter. Respondent shall be permitted  
11 to pay these costs in a payment plan approved by the Board. If Respondent fails to pay the Board  
12 costs as ordered, Respondent shall not be allowed to renew her Registered Nurse License until  
13 Respondent pays costs in full.

14 **ACCEPTANCE**

15 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
16 Reproval and have fully discussed it with my attorney, Chad Biggins. I understand the stipulation  
17 and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement  
18 and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to  
19 be bound by the Decision and Order of the Board of Registered Nursing.

20  
21 DATED: 11/16/12

22   
23 JOSEPHINE OBUMNEKE UZOWURU  
24 Respondent  
25  
26  
27  
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1 I have read and fully discussed with Respondent Josephine Obumneke Uzowuru the terms  
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
3 Order for Public Reproval. I approve its form and content.

4  
5  
6 DATED: 11/20/12

CHAD BIGGINS  
Attorney for Respondent

8  
9 **ENDORSEMENT**

10 The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby  
11 respectfully submitted for consideration by the Board of Registered Nursing of the Department of  
12 Consumer Affairs.

13 Dated: 11/20/12

Respectfully submitted,

14  
15 KAMALA D. HARRIS  
Attorney General of California  
16 JAMES M. LEDAKIS  
Supervising Deputy Attorney General

17  
18 DESIREE L. KELLOGG  
19 Deputy Attorney General  
Attorneys for Complainant

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## **Exhibit A**

**Accusation No. 2012-671**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DESIREE I. KELLOGG  
Deputy Attorney General  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2012-671

12 **JOSEPHINE OBUMNEKE UZOWURU**  
13 **6474 Cattleman Drive**  
14 **Corona, CA 92880**

**ACCUSATION**

15 **Registered Nurse License No. 593587**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
22 of Consumer Affairs.

23 2. On or about January 17, 2002, the Board of Registered Nursing issued Registered  
24 Nurse License Number 593587 to Josephine Obumneke Uzowuru (Respondent). The Registered  
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on February 28, 2013, unless renewed.  
27  
28



## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

## STATUTORY AND REGULATORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct

....

7. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

## **COSTS**

1           8.     Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
2 administrative law judge to direct a licensee found to have committed a violation or violations of  
3 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
4 enforcement of the case.

### **CAUSE FOR DISCIPLINE**

#### **(Unprofessional Conduct)**

5  
6  
7           9.     Respondent is subject to disciplinary action under Code section 2761(a), within the  
8 meaning of Title 16, California Code of Regulations section 1444, in that she violated a court  
9 order and assaulted an individual. The circumstances are as follows.

10           10.    Respondent and A.D. were officers of the Odinamba Cultural Association. On or  
11 about November 19, 2010, the Association was called by the Master of Ceremonies to perform a  
12 cultural dance at a wake. The President, A.D. and the Vice-President, Respondent both began  
13 speaking into microphones in order to lead the Association in dance. After Respondent's husband  
14 wrestled the microphone from A.D. and began hitting her, Respondent joined him and began  
15 hitting A.D. as well. A.D. was injured and her clothes were torn as a result of Respondent's and  
16 her husband's actions.

17           11.    Following the altercation, A.D. obtained a Temporary Restraining Order against  
18 Respondent in *A.D. v. Josephine Uzowuru*, Los Angeles County Superior Court, case number  
19 MS007669. On December 9, 2010, law enforcement served the Temporary Restraining Order on  
20 Respondent. This Temporary Restraining Order enjoined Respondent from coming within 100  
21 yards of A.D. One day later on December 10, 2010, Respondent violated the Temporary  
22 Restraining Order by coming within approximately 10 yards of A.D. at another wake. On  
23 January 7, 2011, a hearing was held and the Court issued a Restraining Order After Hearing to  
24 Stop Harassment against Respondent which expires on January 7, 2014. On February 28, 2011  
25 and April 29, 2011, the Court issued Orders to Show Cause as to why Respondent should not be  
26 found in contempt of court for coming within 100 yards of A.D. in violation of the Temporary  
27 Restraining Order. On May 27, 2011, the Court found Respondent guilty of contempt and  
28

1 sentenced her to five days in jail for violating the temporary restraining order but suspended the  
2 sentence until May 26, 2012.

3 **PRAYER**


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 593587, issued to  
7 Josephine Obumneke Uzowuru;

8 2. Ordering Josephine Obumneke Uzowuru to pay the Board of Registered Nursing the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3;

11 3. Taking such other and further action as deemed necessary and proper.  
12  
13

14 DATED: April 30, 2012

  
LOUISE R. BAILEY, M.Ed., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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**Exhibit B**

**Letter of Public Reproval in Case No. 2012-671**



February 7, 2013

Josephine Obumneke Uzowuru  
6474 Cattleman Drive  
Corona, CA 92880

RE: LETTER OF PUBLIC REPROVAL  
In the Matter of the Accusation Against:  
Josephine Obumneke Uzowuru, Registered Nurse License No. 593587

Dear Ms. Uzowuru:

On April 30, 2012, the Board of Registered Nursing, Department of Consumer Affairs, State of California, filed an Accusation against your Registered Nurse License. The Accusation alleged that you engaged in unprofessional conduct under Business and Professions Code section 2761(a). Specifically, on May 27, 2011, the Los Angeles County Superior Court found you guilty of contempt and sentenced you to five days in jail for violating the temporary restraining order issued against you but suspended the sentence.

Taking into consideration the fact the conduct was an isolated experience that occurred over a year ago, the fact that you have been licensed since 2002 without prior discipline, the mitigation that you submitted including a performance evaluation with excellent ratings and extremely favorable letters of support from supervisors and co-workers and that there are other mitigating circumstances in this case that support the determination that you are safe to practice nursing, the Board has decided that the charges against you warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Registered Nursing, Department of Consumer Affairs issues this letter of public reproof.

Sincerely,

*Louise R. Bailey, M.ED., RN*  
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California